

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 43803

STATE OF IDAHO,) 2016 Unpublished Opinion No. 570
)
Plaintiff-Respondent,) Filed: June 16, 2016
)
v.) Stephen W. Kenyon, Clerk
)
CHRISTOPHER E. CLENDENON, aka) THIS IS AN UNPUBLISHED
CHRISTOPHER CLENDENON,) OPINION AND SHALL NOT
) BE CITED AS AUTHORITY
Defendant-Appellant.)
)
_____)

Appeal from the District Court of the Third Judicial District, State of Idaho, Canyon County. Hon. Bradly S. Ford, District Judge.

Order denying Idaho Criminal Rule 35 motion for reduction of sentence, affirmed.

Sara B. Thomas, State Appellate Public Defender; Elizabeth A. Allred, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Before MELANSON, Chief Judge; GUTIERREZ, Judge;
and GRATTON, Judge

PER CURIAM

Christopher E. Clendenon pled guilty to lewd conduct with a minor under sixteen, Idaho Code § 18-1508. The district court imposed a unified life sentence, with a minimum period of confinement of seven years. Clendenon filed an Idaho Criminal Rule 35 motion for reduction of sentence, which the district court denied. Clendenon appeals.

A motion for reduction of sentence under I.C.R. 35 is essentially a plea for leniency, addressed to the sound discretion of the court. *State v. Knighton*, 143 Idaho 318, 319, 144 P.3d 23, 24 (2006); *State v. Allbee*, 115 Idaho 845, 846, 771 P.2d 66, 67 (Ct. App. 1989). In

presenting a Rule 35 motion, the defendant must show that the sentence is excessive in light of new or additional information subsequently provided to the district court in support of the motion. *State v. Huffman*, 144 Idaho 201, 203, 159 P.3d 838, 840 (2007). An appeal from the denial of a Rule 35 motion cannot be used as a vehicle to review the underlying sentence absent the presentation of new information. *Id.* Because no new or additional information in support of Clendenon's Rule 35 motion was presented, the district court did not abuse its discretion. For the foregoing reasons, the district court's order denying Clendenon's Rule 35 motion is affirmed.